

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RECEIVED
U.S. DISTRICT COURT
MASSACHUSETTS OFFICE
FEB 11 2004
AM 43

* * * * * * * * *
BRYAN K. BARTLETT, ET AL
Plaintiffs,

vs.

DANIEL O'CONNELL'S SONS, INC.,
Defendant.

CIVIL ACTION
No. 03-12349PBS

* * * * *

AFFIDAVIT OF CHRISTINE JONES

I, Christine Jones, under oath, depose and state the following on personal knowledge:

- I. I am employed by ESIS, Inc., which administers claims for the ACE USA group of insurers, including Pacific Employers Insurance Company, the liability insurer of the defendant, Daniel O'Connell's Sons, Inc.
- II. On or about December 1, 2003, a copy of the plaintiffs' complaint was delivered to an employee of Daniel O'Connell's Sons, Inc.
- III. Daniel O'Connell's Sons forwarded the summons and complaint to The Watson Group (now known as Banknorth Insurance Agency), its insurance agent.
- IV. Typically, an insurance agent would be expected to forward a copy of the complaint to ESIS, as claims

administrator for ACE USA. However, Daniel O'Connell's Sons' agent forwarded the summons and complaint directly to ACE USA, and not to ESIS.

V. Apparently, the person who received the complaint at ACE USA assumed that the complaint had already been forwarded to ESIS, and that ESIS would appoint counsel to respond. Meanwhile, both Daniel O'Connell's Sons and its insurance agent assumed that the claim was being handled by ACE USA and/or ESIS.

VI. On or about January 26, 2004, Daniel O'Connell's Sons received a copy of the plaintiffs' motion for entry of default. It immediately forwarded that motion to its insurance agent, who contacted ESIS. ESIS promptly appointed counsel to respond to the complaint.

Signed under the pains and penalties of perjury this
3 day of February, 2004.



Christine Jones